S.B.CIVIL WRIT PETITION NO.4865/2007

Dhanna Ram
v.
State of Rajasthan & Ors.

Date of Order :: 23rd October, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Sanjeet Purohit, for the petitioner.
Mr. Vijay Bishnoi]
Mr. Arun Bhansali] for the respondents.

....

This petition for writ to question validity of the order dated 16.6.2007 passed by District Magistrate, Nagaur certifying no objection in installation of a petrol outlet at village Bhawanda Tehsil Khinvsar District Nagaur and also to quash letter of intent issued in favour of respondent No.6 Shri Ramniwas Bhambhi for installation of petroleum outlet at village Bhawanda.

The contention of the petitioner is that respondent Bharat Petroleum Corporation Limited by its advertisement Anx.1, published in Dainik Bhaskar dated 23.5.2005, invited applications to instal petrol pump at village Manakpur, thus, the installation of petrol pump at Bhawanda in place of Manakpur is illegal. It is also contended that the respondent No.6 failed to provide any details with regard to availability of the land to instal outlet, therefore, as per policy of the respondent Bharat Petroleum Corporation the issuance of the letter of intent in favour of the respondent No.6 is illegal.

In reply to the writ petition it is stated on behalf of the respondent Corporation that as a matter of fact the advertisement that was published in Dainik Bhaskar dated 23.5.2005 was relating to installation of petrol pump at Manakpur and the places nearby to that and the place where respondent No.6 intend to instal petroleum outlet is just at the distance of 400 meters from the boundary of village Manakpur, as such there is no change in the place of installation of petrol pump notified under the advertisement Anx.1. The respondents have also pointed out that as per existing policy in respect of locations reserved for Scheduled Caste/Scheduled Tribes categories the oil company is required to make available the ready retail outlets with all basic facility from its own costs, therefore, the applicants belonging to Scheduled Caste/Scheduled Tribes categories applying against the locations covered under the "Corpus Fund Scheme" are not expected to offer land, infrastructure and finance and the respondent No.6 being a member of Scheduled Caste and applying against location covered under the scheme referred above was not required to provide details regarding availability of land.

Heard counsel for the parties.

From perusal of advertisement Anx.1, it is apparent that the applications were invited from

eligible persons for installation of petroleum outlet at village Manakpur and the places nearby thereto. The proposed site is at the distance of 400 meters from the boundary of village Manakpur, therefore, it is certainly the place to nearby Manakpur and, therefore, there is no illegality in installation of petrol pump within the boundary of village Bhawanda at the distance of 400 meters from village Manakpur.

I also do not find any illegality in not suggesting availability of land and finance by the respondent No.6 for installation of petroleum outlet in view of the fact that under the “Corpus Fund Scheme” it is not required for the members belonging to Scheduled Caste/Scheduled Tribes. The petitioner also in his application form (Anx.2) in view of “Corpus Fund Scheme” has not given any details regarding availability of land and rightly do so in view of exemption given under the scheme.

For the reason mentioned above, the petition for writ is having no merit and, therefore, the same is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.